



Appl. No. : 10/020,739
Title : Improved Universal Fork
Applicant : Miller, Michael D
Filed : 12/18/2001
TC/A.U. : 3724
Examiner : Payer, Hwei Siu Chou

Docket No. : 07487

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

I, Michael D. Miller, am the named inventor in the above-captioned application. I am now the President of Phantom Enterprises, Inc., a corporation of the state of Kansas (hereafter Phantom) which is in the business of marketing and distributing universal forks in accordance with the above-captioned application.

The purpose of this declaration is to inform the Commissioner of the commercial success of the universal fork.

Phantom was formed in October 2000 to market and distribute universal forks and other related flatware. After an initial period of product development, Phantom has enjoyed substantial sales of its universal fork product since at least as early as 2005.

Phantom has marketed two versions of its universal fork product, a forged stainless steel universal fork and a molded plastic universal fork. The forged stainless steel version is intended for use over a very long period of time, whereas the molded plastic version is intended as a disposable utensil. Both versions are configured in accordance with the specification and claims of the above-referenced application. Since 2005, Phantom's sales for these products are in excess of the numbers given below:



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SALES OF UNIVERSAL FORKS BY PHANTOM:

YEAR	STAINLESS STEEL	MOLDED PLASTIC
2005	180,000	240,000
2006	64,000	150,000
2007	82,000	2,800,000
2008 (As of 8/01/08)	45,000	2,300,000

The applicant believes this commercial success provides evidence the universal fork is satisfying a long-felt but unsolved need which others have failed to satisfy in the marketplace by providing a novel universal fork as set forth in the above-captioned application and the claims appended thereto.

The applicant thanks the Commissioner for his thoughtful consideration of this declaration.

I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Michael D. Miller, Applicant

Date

Certificate of Mailing: I hereby certify that this paper and any attachments is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Mail Stop FEE Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date indicated below.

Robert O. Blinn

Date